

THE COVID-19 PANDEMIC AS A FACTOR IN THE TRANSITION OF THE KAZAKH CIVIL SERVICE TO TELECOMMUTING

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ABSTRACT

A comprehensive analysis of the impact of the COVID-19 pandemic on the transition of Kazakh civil servants to remote work. To determine the prospects for the transition, a regulatory assessment, and a SWOT analysis, as well as a sociological survey of employees of ministries and departments of the Republic of Kazakhstan were carried out.

Key words: telecommuting, teleworking, freelancing, pandemic, COVID-19, psychological type, civil servant.

INTRODUCTION

The principles and methods of state policy existing today have been formed and updated due to the influence of the first, second and third industrial revolutions. In the new reality caused by the COVID-19 pandemic, new approaches and changes in public administration are dictated. During the crisis, due to the coronavirus, the mobility of employees and flexibility in work increased, while paying attention to labour protection and health. COVID-19 has also induced a new round of digitalisation of government systems.

However, the existing systems of public administration do not meet the requirements to cope with the ongoing processes in the world economy and the forthcoming changes in the social environment due to the realities induced by the pandemic. In this new environment, there is a need to search and subsequently develop new principles and methods and decision-making processes for public administration, and for new policy instruments.

The contemporary standards delineating the relationship between employers and employees are no longer valid. There is currently a demand for an active and mobile labour force, ready for changes in the work process and willing to change their approach to their professional work. The on-going changes require the emergence of a new type of professional workers, who can perform their work remotely, from anywhere outside their usual workplace (Кочобевцев et al. 2020). Thus, a new flexible form of “remote work” has now emerged, along with the traditional ways of organising work.⁴

A key feature of teleworking (working remotely) is the ability of an employee to perform a job function outside of a place that is somehow under the control of the employer. It does not matter what kind of work we are talking about. It is important that its nature allows it to be performed remotely, without the need to be present in the office or in another place that the employer has determined that an employee works from.⁵

Most often, remote work is understood as freelancing. In fact, the roles of a remote worker and a freelancer are completely different. A freelancer is a performance-based provider for an

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⁴ Teleworking is a way of organising the work process of permanent or temporary employees, so they [employees] work from home, instead of traveling to the office of an employer or customer (Орлов [Orlov] et al. 2014: 40-46).

⁵ <https://www.eg-online.ru/article/365874/>

organisation or a business entity. He works under a civil law contract. A freelancer is not a member of the team and does not have access to corporate information resources. Unlike freelancers, remote workers are full-time employees. Their payroll scheme does not differ from the compensation package their “office” colleagues enjoy.⁶

Furthermore, remote (distant) employees are employees who have entered into an employment contract (or are issued an order) for remote work. They work outside the main location of the employer, or away from its branches, representative offices, or other separate divisions. In addition, teleworkers do not have a fixed workplace that the employer can control. Moreover, an important condition for telecommuting is that telecommuters must use public information and telecommunication networks, including the Internet, in order to execute their duties and interact with their employers.

If the issue is considered from the legal point of view, then this type of work may be distinguished into two types: remote work and work at home. The definition of “remote work” or “telework” is found in the legislation of foreign countries, as well as in the CIS countries, including Kazakhstan. However, when compared to the EU countries, the USA, and the Russian Federation, teleworking in Kazakhstan is poorly regulated at the legislative level. The Labour Code of the Republic of Kazakhstan (2015) contains only one brief article on this issue.⁷ Hence, it is imperative to improve labour legislation by introducing the appropriate amendments, considering international experience, which may assist in clarifying the concept of remote work and thus ultimately strengthen the protection of those who work remotely.⁸

According to the Labour Code of the Republic of Kazakhstan, distance work is understood as the work that is carried out outside the employer's location on a permanent basis. That is, employees cannot legally combine “stationary” work, i.e., at the employer's location, and remote work, i.e., work from elsewhere, even though in practice such a combination is very common. Working outside the office during this pandemic is not, by default, telecommuting in the context of the Labour Code of the Republic of Kazakhstan, since teleworking changes the mode and place of work. This means that when working remotely, such a condition should be spelled out in the employment contract along with the provisions for additional compensation of remotely working employees.⁹

Furthermore, an employer in Kazakhstan is obliged to provide its employees with means of communication and bear the costs for their installation and maintenance, or alternatively compensate its employees, in the case they use their own communication systems on an ongoing basis. The amounts and procedures for payment of such compensation are established in the employment contract for remote work (or established by order). In a similar context, and by agreement of the two parties, employees may also be reimbursed for other expenses related to performing their work (for example, the cost of electricity, water, etc). In addition, for workers engaged in remote work, a fixed record of working time is established, a condition

⁶ https://www2.deloitte.com/kz/ru/pages/legal/articles/how_the_labor_code_of_kazakhstan_treats_remote_work.html

⁷ Трудовой кодекс Республики Казахстан от 23 ноября 2015 года № 414-V ЗРК. [Электронный ресурс]. – Режим доступа: <http://adilet.zan.kz>. – (Дата обращения: 24.09.2020г.). (Labour Code of the Republic of Kazakhstan - No. 414-V ЗРК, 23 November 2015; <http://adilet.zan.kz>

⁸ Стратегический план развития Республики Казахстан до 2025 года, утвержденного Указом Президента Республики Казахстан от 15 февраля 2018 года №636. [Электронный ресурс]. – Режим доступа: <http://adilet.zan.kz>. – (Дата обращения: 24.09.2020г.). (Strategic development plan of the Republic of Kazakhstan until 2025, approved by the Decree No 636 of the President of the Republic of Kazakhstan, 15 February 2018; <http://adilet.zan.kz>

⁹ https://online.zakon.kz/Document/?doc_id=32885600

also reflected in the employment contract terms, according to the Labour Code of the Republic of Kazakhstan.

Moreover, remote workers are staff members, equally to those members of a company, who work at the company's premises. Thus, it is clear that all legal provisions regarding the classic employment contract also apply to the teleworking contract. Accordingly, the employment contract must contain all the mandatory conditions of the employment contract provided for in Article 28 of the Labour Code of the Republic of Kazakhstan.¹⁰

In connection with the introduction of provisions on distance work, the specific features of a civil law contract (CLC), should be noted. A *civil-law contract* is an agreement between an organisation or a business entity and an individual to perform certain work, e.g., contract for work and labour, contract of delegation, etc). Thus, in this case,

- the result of the work is paid but not the process of labour;
- the result is determined when the work has been completed;
- the result is officially registered by acts of acceptance of executed works (services);
- the payment is made following the issuance of an act;
- an individual, under a CLC, who performs work (provides services) is not subject to the internal labour policy of a company, as it independently organises his/her work and performs it at his/her own risk;
- a company is not obliged to comply with labour legislation.¹¹

According to Yekaterina Khamidullina, a lawyer at the AEQUITAS Law Firm,¹² the trend towards remote work will continue to develop, partly due to the desire of businesses to save money on office space, and partly due to employees that are attracted to a more flexible work schedule. However, it should be noted that remote work requires high levels of self-discipline and personal responsibility of remote employees and, accordingly, this type of work is not suitable for everyone.¹³ Thus, in order to avoid conflict situations with teleworkers, employers are advised to clearly stipulate all the conditions from the very beginning for teleworking and record them in the employment contract for teleworking to clearly facilitate tracking adherence of telecommuting employees to the contract terms and conditions.

TELEWORKING AND THE CIVIL SERVICE OF THE REPUBLIC OF KAZAKHSTAN

Salary measures implemented in the civil service for remote working

According to the legislation of the Republic of Kazakhstan, civil servants are currently compensated for time work. However, it is now necessary to consider the implications of remote work on compensation structures. When working remotely, one needs to consider

¹⁰ By agreement of the parties, the labour contract for remote work may additionally include other conditions that do not contradict the legislation of the Republic of Kazakhstan.

¹¹ <https://devisu.ua/en/stattia/trudovij-ta-tsivilno-pravovij-dogovir-u-chomu-riznitsja>

¹² https://online.zakon.kz/Document/?doc_id=32885600

¹³ It should be noted that remote work is not suitable for every employee of a government agency as it is contingent to personal qualities. Psychological scientific literature and analysis based on personal data assumes that remote work is not quite suitable for a sanguine person, due to his "extroversion", and "demonstrative" behaviour. Thus, working in the office, communicating with people will be more acceptable for this type. A phlegmatic person can carry out his work, both at home and in his usual workplace. The melancholic is the most sensitive and vulnerable type thus remote work for melancholic people is a favourable work environment where this type may feel most comfortable and calm. A choleric person, like a phlegmatic person, can work both remotely and in the office. Such an extrapolation of knowledge about the characteristics of the types of higher nervous activity to their manifestation in a remote workplace is still to a large extent hypothetical and requires further research (Орлов [Orlov] et al. 2014: 42).

issues related to executive discipline and the additional costs incurred that are associated with control of executive discipline, ensuring information security, etc. One way to deal with this is to apply a piecework compensation regime. This is a crucial matter, as remote work of civil servants, although it may be a short-term phenomenon, its impact will be undoubtedly long-term.¹⁴

Incidentally, it should be noted that the shift to teleworking by the majority of government officials has shown that the government apparatus can and should be reduced. This is congruent with the planned civil service workforce reduction planned prior to the emergence of the pandemic.¹⁵

As a consequence of the COVID-19 pandemic outbreak and the existence of well-developed digital technologies, the government realised that the physical presence of employees in the office is not necessary. It is quite possible for them to work at home, in their favourite cafe or outdoors in a park.

A SWOT analysis of the strengths and weaknesses, as well as the opportunities and threats of introducing a remote work modality in the civil service, was carried out. For the analysis, the assumptions appearing in Table 1 below were established.

The SWOT analysis shows that the strength of the introduction of the remote mode of work is the prevalence of strong political and social factors, such as the support of the country's leadership in the use of the remote mode in the work of state bodies, the transparency of political decisions and the improvement in the morale of civil servants.

The weak side shows the predominance of social aspects (associated with the psycho-physiological characteristics of a person) and economic factors, expressed through an increase in costs, both for civil servants and state bodies, due to the increase in prices for electronic products.

The threats are dominated by political and social factors dictated by the psycho-physiological characteristics of a person. Which, in turn, if not taken into account in the long term, may lead to uncontrolled disclosures of information, accidents and disasters of a man-made and environmental nature.

Opportunities are dominated by political expectations associated with reducing bureaucratic procedures, legalising activities that fall under the definition of remote work and protecting the rights and interests of professionals working remotely.

¹⁴ The Chairman of the Astana Civil Service Hub Steering Committee, Alikhan Baimenov noted – during the international conference “Remote Work of Civil Servants” – that “remote work may be a short-term phenomenon during the pandemic but its impact will undoubtedly be long-term; https://www.inform.kz/ru/distancionnyu-rabotu-gossluzhaschih-obsudili-mezhdunarodnye-eksperty_a3647435

¹⁵ On 1 September 2020, the President of the Republic of Kazakhstan K. Tokayev announced a gradual reduction of the state workforce of 25% by the end of 2021. According to the president, the civil service system requires a reboot. “I am instructing to speed up the terms of cutting the state apparatus and workers of the quasi-public sector. They should be cut by 10% this year, and another 15% next year. Thus, we will solve the problem of reducing officials by 25% in 2021” Tokayev pointed out; <https://youtu.be/Knsmg2Z5oG4?t=212>

Table 1: SWOT analysis matrix

STRENGTHS	WEAKNESSES
<p>Political</p> <ol style="list-style-type: none"> 1. Initiation and support by the political leadership of the country in introducing remote work in the civil service. 2. Growth in the attractiveness and prestige of the civil service. 	<p>Political</p> <ol style="list-style-type: none"> 1. Lack of corporate ethics of civil servants related to remote work (weakening ties with the team, assignments outside working hours, etc). 2. Some state bodies' leadership do not take seriously organising remote work for the long term.
<p>Social</p> <ol style="list-style-type: none"> 1. Improvement in the psycho-emotional state of mind of civil servants (lack of communication with unwanted colleagues and petty care from the authorities, the ability to devote more time to family members, etc). 2. Improvement in social and living conditions (working at home in a comfortable environment; an option for employees that cannot perform their duties at their employers' premises, due to various circumstances; more time for self-development and health improvement of civil servants). 3. Ability to independently plan use of the worktime and movements (saving time spent on commuting – especially in big cities; no need to constantly be in the office, otherwise mandatory in the traditional work modality). 	<p>Social</p> <ol style="list-style-type: none"> 1. Not all employees are ready to work remotely due to their psychophysical type (decrease in contact with interesting people, acquaintances, narrowing of the spectrum of personal development). 2. Not all employees possess the required self-discipline required when working remotely (dampening effect of the home environment, distracting family members, etc). 3. Health problems (weight gain, colds, caring for relatives, etc).
<p>Economic</p> <ol style="list-style-type: none"> 1. Reduction in using state budget funds by optimising costs (workplace equipment). 2. Reduction in civil servants' financial outlays (travel costs, adherence to the dress code). 	<p>Economic</p> <ol style="list-style-type: none"> 1. Increase in civil servants' expenses for organising a working space at home (additional furniture, a computer, communications, electricity, etc). 2. Government costs associated with office downtime and additional government spending on video and audio meeting platforms. 3. Rising prices for electronic products. 4. Opportunity for not complying with a number of labour protection requirements, which cannot be waived for "standard" employees.
<p>Technological</p> <ol style="list-style-type: none"> 1. Application of digital interaction technologies in a government agency and training of government officials in IT culture and information security. 2. Availability of domestic IT solutions for electronic document management. 	<p>Technological</p> <ol style="list-style-type: none"> 1. Poor preparedness of state information systems for remote work by civil servants (stress associated with the risk of non-performance in the event of failure of electronic means of communication). 2. Dependence of the domestic electronic products market on imports.

OPPORTUNITIES	THREATS
<p>Political</p> <ol style="list-style-type: none"> 1. Reduction of bureaucratic procedures by optimising the business processes of government agencies and transferring some of them to a remote execution mode. 2. Formulation of a new civil service corps (mobility, diversified development, pragmatism). 3. Legalisation of certain types of activities that fall under the definition of remote work. 4. Protection of the rights and interests of specialists working remotely. 	<p>Political</p> <ol style="list-style-type: none"> 1. Reduction in the level of information security. 2. Generation of rumours and destabilisation of society as discussion of issues of state importance may take place in public places (cafes, parks, libraries, etc). 3. Occurrence of poor coordination of employees of the state apparatus in <i>force majeure</i> situations. 4. Reduction in the level of trust in the authorities in the event of information "leakage" by government officials while working remotely.
<p>Social</p> <ol style="list-style-type: none"> 1. Improvement of labour legislation in the field of public service (introduction of a liability agreement that takes into account the issues of labour protection, industrial injuries, information security, compliance with information security requirements, etc) in accordance with international standards. 2. When hiring for a remote job position, consider the peculiarities of the personality psycho-type (introduction of HR in the civil service). 	<p>Social</p> <ol style="list-style-type: none"> 1. Deterioration of psychological health due to social isolation (some psyche types). 2. Reduced opportunities to have a normal personal life by limited social interaction (some psyche types). 3. Progression of intra-family conflicts (some psyche types).
<p>Economic</p> <ol style="list-style-type: none"> 1. Transition from time-based to piece-rate pay for civil servants or the use of both methods in the civil service. 2. Growth in the share of IT and electronic industries in the country's GDP. 	<p>Economic</p> <ol style="list-style-type: none"> 1. Disclosure of financial and personal data of business entities and of the population in case of loss of portable devices (laptop, flash drive, etc) by a civil servant in a public place. 2. Threats to the economic security of the country in the event that a civil servant considering economic issues decides to do work outside the country.

In order to study the effects of teleworking, the authors developed a questionnaire and conducted a study among employees of ministries and departments of the Republic of Kazakhstan. The study sample comprised 137 people. These were, 5 top managers, 22 middle managers, 7 deputy managers, and the remaining 102 specialists (chief experts and experts). It was found that a rather high percentage of the respondents expressed a strong preference for continuing to work remotely.

Table 2: How easy or difficult is it for you to telework effectively?

Answer options	Responses (in %)	N
Very easy	50.00	67
Slightly easy	11.94	16
Neither easy nor difficult	18.66	25
A little difficult	17.91	24
Very difficult	1.49	2
Total		134

It was also revealed that most of the respondents consider remote work easy. The response rate for "How easy or difficult is for you to work effectively remotely?" 61.94% answered very /slightly easy. If one adds those respondents for whom nothing has changed (18.66%), the total of those who found it easier to work remotely is more than 80%. The remaining 19.4% found the transition a little difficult and/or very difficult.

The responses to the question "What are the three important changes noticed while working remotely?" appear in table 3 below.¹⁶ The open form of questions led to the identification of such most significant shortcomings as: change in the physical workplace; a lot of communication on the Internet due to the lack of external control; lack of access to the tools and information needed to perform the designated work; taking care of children; and narrowing of the social circle due to social isolation.

Table 3: What are the three most important changes noticed while teleworking?

Answer options	Responses (in %)	N
My physical workplace	41.79	56
Many distractions at home	20.90	28
Did not have access to the tools and information needed	26.87	36
A lot of communication on the Internet	20.90	28
Child care	24.63	33
Social isolation	35.82	48
Communication with colleagues is difficult	28.36	38
I have more or less helped those who are sick	12.69	17
Took a lot of food	5.97	8
Other (specify)	12.69	17
Total		134

¹⁶ The respondents were offered a free choice. That is, the respondents could formulate their responses by identifying three most significant changes that in their opinion have had an adverse effect on them, which may also weaken the effectiveness of the remote work.

According to the data in table 3, it seems that the essential advantages of working remotely are a free work schedule, home comfort, and significant time savings.

Table 4: If you had to telework on a full-time basis. how long can you feel comfortable?

Answer options	Responses (in %)	N
I do not support this	21.32	29
One week	2.21	3
Several weeks	3.68	5
About a month	5.88	8
2 months	6.62	9
3 or more months	60.29	82
Total		134

Analysis of the answers in Table 4 shows that more than half of the respondents, 60.29%, feel comfortable working remotely on a regular basis for three or more months. On the other hand, the percentage of those who do not support this work modality turned out to be 21.32%.

Table 5: How often have you contacted your manager while teleworking during a state of emergency (related to the coronavirus pandemic)?

Answer options	Responses (in %)	N
Every day	83.82	114
Several times a week	11.03	15
About one time a week	2.21	3
Not often	2.94	4
Total		136

The data in table 5 reveal that the overwhelming majority of the remotely working employees contacted their managers on a daily basis (83.82%), or 114 out of 136 people contacted their superiors every day during the quarantine period. It may be seen that modern means of communication allow subordinates, the majority of the survey participants, to be in contact with their managers and receive assignments from them.

Table 6: How limited were the resources (funds to operate, computers, time, service, etc) during this period?

Answer options	Responses (in %)	N
Extremely limited	6.62	9
Very limited	6.62	9
A little limited / Not so limited	24.26	33
Not so limited / Unlimited	30.15	41
Unlimited	32.35	44
Total		136

Responses to this question revealed that for the majority of respondents operational resources were not limited; over 86%. This result is not surprising, as civil servants, individuals with higher education, are already technology savvy, and thus able to utilise modern means of communication effectively.

Table 7: How limited were telecommunication facilities for telecommuting during this period?

Answer options	Responses (in %)	N
Extremely limited	5.15	7
Very limited	8.82	12
A little limited	27.21	37
Not so limited	24.26	33
Unlimited	34.56	47
Total		136

The overwhelming majority of respondents, 86%, had no limited or not so limited telecommunication facilities to conduct their work. Only slightly less than 14% of the respondents have had extremely limited and very limited telecommunication facilities. These results indicate that most civil servants have good equipment in place.

Table 8: How often have you been limited in adhering to the work schedule while working remotely?

Answer options	Responses (in %)	N
Extremely limited	11.15	15
Very limited	9.63	13
A little limited	20.74	28
Not so limited	18.52	25
Unlimited	40.00	54
Total:		135

Responses to this survey question show that only 20% of the respondents experienced inconvenience in adhering to the work schedule. One reason for this is that it is difficult to comply with the work schedule at home, especially in family surroundings with young children. Another reason is that people were not used to working independently and have to gradually develop some self-discipline.

CONCLUSIONS

The remote work modality seems to be very attractive by both the civil servants and the state bodies and organisations. However, for remote work modality to be effective some study is still required to get a better understanding of such issues as the influence of the psychophysiological characteristics of a person, the ability to organise the work process independently; as well as the level of need for technical equipment and reimbursement of costs for organising a remote workplace, etc.

Furthermore, a number of additional questions remain open: what business processes can be brought into remote operation on a long-term or permanent basis? What business processes are utilised to conduct remote meetings? What constitutes presence in the office or in a remote setting? And a number of others.

Kazakhstan has recently launched its Third Modernisation Plan for the country, as part of implementing the Strategic Development Plan of the Republic of Kazakhstan until 2025.¹⁷ Its

¹⁷ Decree of the President of the Republic of Kazakhstan No 636, 15 February 2018.

main goal is a high-quality and sustainable economic recovery and improving the well-being of people eventually reaching the level of the countries of the Organization for Economic Cooperation and Development.¹⁸

The 7th reform of the Strategic Plan until 2025 identified the public sector as the leader of changes showing an increase in the role of state bodies as initiators and agents of change in the country by their own example. In the implementation of this reform, the optimisation of business processes of state bodies has been launched.

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¹⁸ Стратегический план развития Республики Казахстан до 2025 года, утвержденного Указом Президента Республики Казахстан от 15 февраля 2018 года №636. [Электронный ресурс]. – Режим доступа: <http://adilet.zan.kz>. – (Дата обращения: 24.09.2020г.). (Strategic development plan of the Republic of Kazakhstan until 2025, approved by the Decree No 636 of the President of the Republic of Kazakhstan on 15 February 2018; <http://adilet.zan.kz>).